

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

BOBBY E. BROWN,

Plaintiff,

vs.

MARROQUIN, et al.,

Defendants.

**1:21-cv-00087-ADA-GSA-PC**

**ORDER DISREGARDING PLAINTIFF'S  
OBJECTIONS**

**(ECF No. 29.)**

Bobby E. Brown ("Plaintiff") is a state prisoner proceeding *pro se* with this civil rights action pursuant to 42 U.S.C. § 1983.

On June 5, 2023, Defendants filed an Answer to the Complaint. (ECF No. 23.) On June 26, 2023, Plaintiff filed objections to Defendants' Answer. (ECF No. 26.) On August 1, 2023, the Court issued an order disregarding Plaintiff's objections. (ECF No. 31.)

On July 25, 2023, Plaintiff filed more objections to Defendants' Answer. (ECF No. 29.) The Court shall also disregard Plaintiff's later-filed objections. Parties are only permitted to file a reply to an Answer "if the court orders one." Fed. R. Civ. P. 7(a)(7).<sup>1</sup>

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<sup>1</sup> As Plaintiff was advised in the Court's August 1, 2023 order, a reply to Defendants' Answer is not permitted as a right. Leave to file a reply, or to compel a reply, requires the moving party to make clear and convincing reasons or show extraordinary circumstances why a reply is necessary. Moviecolor, Ltd. v. Eastman Kodak Co., 24 F.R.D. 325, 326 (S.D. N.Y. 1959) ("that a reply to an affirmative defense should not be ordered unless there is a clear and convincing factual showing of necessity or other extraordinary circumstances of a compelling nature").

1 Accordingly, based on the foregoing, **IT IS HEREBY ORDERED** that Plaintiff's  
2 objections to Defendants' Answer, filed on July 25, 2023, are disregarded.

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4 IT IS SO ORDERED.

5 Dated: **August 2, 2023**

**/s/ Gary S. Austin**  
UNITED STATES MAGISTRATE JUDGE

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26 Defendants' Answer to Plaintiff's Complaint does not include a counterclaim against  
27 Plaintiff. (See ECF No. 23.) Nor has the Court ordered Plaintiff to reply to Defendants' Answer.  
28 Furthermore, Plaintiff has not stated clear and convincing reasons or what extraordinary circumstances  
would compel this Court to permit him to file a reply. Therefore, Plaintiff's objections to the Answer shall  
be disregarded.